IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5901 of 2006

DATED: 9.10.2006

Between:

M.V.Ramanaiah petitioner

And

The Government of A.P.,
Rep by its Secretary, Industries & Commerce (VIG) Department
Secretariat, Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 5901 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the proceedings Ref.No.4/96/Admn.II-3/CG, Nellore/M.V.Ramanaiah/Supdt/Records/Theft dated 4.3.2006 of the second respondent imposing the punishment of dismissal from service, besides recovery of the misappropriated amount of Rs.20,40,974.95 Ps with 10% interest.

Though several contentions were raised, the a counter affidavit was filed on behalf of first respondent denying the averments made in the writ petition and stating that as against the impugned orders of the second respondent dated 4.3.2006, the petitioner has effective alternative remedy of appeal to the Board in terms of Bye-Law No.53 of the Special Bye-laws relating to Service conditions of Employees of APCO and the petitioner without availing the said remedy filed the present writ petition.

Heard the learned counsel for petitioner and learned counsel for respondents. Both counsel agreed for disposal of the writ petition at the stage of admission.

Since, an alternative remedy of appeal is provided to the Board as against the impugned order dated 4.3.2006 and the same is not availed by the petitioner, without going into the merits of the matter, I

deem it appropriate to dispose of the writ petition with the following direction;

The petitioner is directed to avail the remedy of appeal provided under Bye Law No. 53 of the Special Bye-Laws relating to service conditions of employees of APCO, to the Board within a period of four weeks from the date of receipt of copy of this order. On receipt of the same, the Appellate Authority-Board, shall consider the same and pass appropriate orders in accordance with law, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 9.10.2006

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